

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 04, 2022**

SEAN F. McAVOY, CLERK

Name of Offender: Oscar Villalobos

Case Number: 0980 2:21CR00079-TOR-1

Address of Offender: [REDACTED] Othello, Washington 99344

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: August 4, 2015

Original Offense: Conspiracy to Distribute Methamphetamine, 21 U.S.C. § 846

Original Sentence: Prison - 84 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: TBD

Date Supervision Commenced: April 7, 2021

Defense Attorney: TBD

Date Supervision Expires: April 6, 2026

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Special Condition #8: The defendant shall not purchase, possess, use, distribute or administer marijuana, or obtain or possess a medical marijuana card or prescription. This condition supersedes standard condition number 7 with respect to marijuana only.**Supporting Evidence:** Mr. Villalobos is alleged to have violated his supervised release conditions by consuming a controlled substance, marijuana, on or about November 23, and December 15, 2021.

Mr. Villalobos' supervised release conditions were reviewed with him on April 13, 2021. The offender signed his conditions of supervision, acknowledging an understanding of his conditions, which includes special condition number 8, as noted above.

On November 23, 2021, Mr. Villalobos reported to Social Treatment Opportunity Programs (STOP) and provided a urinalysis (UA) sample, which returned presumptive positive for marijuana. Mr. Villalobos signed an admission/denial form at STOP denying the use of the controlled substance. The sample was sent to Alere Toxicology Services, Incorporated (Alere) for confirmation. On December 3, 2021, Alere reported Mr. Villalobos' UA sample was confirmed positive for the presence marijuana.

Prob12C

Re: Villalobos, Oscar**January 4, 2022****Page 2**

On December 15, 2021, Mr. Villalobos reported to STOP and provided a UA sample which returned presumptive positive for marijuana. Mr. Villalobos signed an admission/denial form at STOP denying the use of the controlled substance. The sample was sent to Alere for confirmation. On December 28, 2021, Alere reported Mr. Villalobos' UA sample to be confirmed positive for the presence marijuana.

On December 29, 2021, this officer requested Alere Toxicology compare the specimens collected on November 23, and December 15, 2021. On December 30, 2021, this officer received a laboratory interpretation letter from Alere, opining that Mr. Villalobos reused marijuana prior to the UA sample collected on December 15, 2021, due to the 11-nor-9-carboxy-delta-9-tetrahydrocannabinol (THCA) levels increasing between the two specimen collection dates.

On January 3, 2022, during a telephonic conversation, Mr. Villalobos admitted to this officer that he consumed marijuana on December 13, 2021.

2

Special Condition #3: The defendant shall participate in substance abuse testing, to include not more than 365 urinalysis tests and not more than 365 breathalyzer tests annually during the period of supervision. The defendant is to pay all or part of the costs of testing, depending upon ability to pay, as determined by the United States Probation Office.

Supporting Evidence: Mr. Villalobos is alleged to have violated his supervised release conditions by failing to submit to a random UA at STOP on December 1, 2021.

Mr. Villalobos' supervised release conditions were reviewed with him on April 13, 2021. The offender signed his conditions of supervision, acknowledging an understanding of his conditions, which includes special condition number 3, as noted above.

On this same date, Mr. Villalobos reviewed and signed the Eastern District of Washington substance abuse testing instructions acknowledging his understanding of the drug testing program. The offender was instructed to call STOP's colorline system; when his assigned color was called, he was to report and submit to a UA.

On December 2, 2021, this officer received an electronic mail (email) notification from STOP indicating Mr. Villalobos failed to report and provide a UA sample on December 1, 2021.

3

Standard Condition #3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Villalobos is alleged to have violated his supervised release conditions by failing to answer truthfully to the questions asked by this officer on December 15, 2021.

Mr. Villalobos' supervised release conditions were reviewed with him on April 13, 2021. The offender signed his conditions of supervision, acknowledging an understanding of his conditions, which includes standard condition number 3, as noted above.

Prob12C

Re: Villalobos, Oscar

January 4, 2022

Page 3

On December 15, 2021, Mr. Villalobos contacted this officer and expressed he reported on this same date to STOP and submitted to a UA because his color was called. Mr. Villalobos expressed the UA returned presumptive positive for marijuana and he signed an admission/denial form denying the use of the controlled substance. Mr. Villalobos expressed to this officer he last used marijuana in April 2021.

On December 16, 2021, STOP forwarded a copy of Mr. Villalobos signed admission/denial form denying the use of marijuana on December 15, 2021.

On January 3, 2022, during a telephonic conversation, Mr. Villalobos admitted to this officer that he consumed marijuana on December 13, 2021.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 4, 2022

s/Araceli Mendoza

Araceli Mendoza
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Thomas O. Rice
United States District Judge

January 4, 2022

Date